

FILED

UNITED STATES COURT OF APPEALS

AUG 25 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOHN BOUTTE,

Plaintiff - Appellant,

v.

BYRON J. BAHR, Judge; et al.,

Defendants - Appellees.

No. 08-15639

D.C. No. 07-CV-05276-PJH
Northern District of California,
San Francisco

ORDER

On July 15, 2008, this court ordered appellant, within 21 days, to pay the filing fees and show cause why the judgment in this appeal should not be summarily affirmed. The order warned appellant that failure to pay the fees and to show cause would result in the automatic dismissal of the appeal by the Clerk of the Court. To date, appellant has not complied with the court's order.

Accordingly, this appeal is dismissed for failure to prosecute. *See* 9th Cir. R. 42-1.

This order served on the district court shall act as and for the mandate of this court.

FOR THE COURT:

Molly Dwyer
Clerk of Court

By: Caroline A. Jacobs
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A